

Serial No. 10/840,137

Art Unit: 1746

Remarks

Claims 1-19 are currently pending in the application. Claims 1, 4, 5 and 19 are cancelled hereby, without prejudice. After entry of this amendment, claims 2, 3, 6-18 and 20-28 are pending in this application. Claims 2, 3, 7, 8, 10, 11, 12, 13, 14 and 18 have been amended. Claims 20-28 are new and are based on the original dependent claims; no new matter has been added. Claims 6, 9 and 15 are independent claims. Remarks made herein are based on the claims as amended hereby.

The Examiner's statement that claims 6 and 9 would be allowable if rewritten to include all limitations of the base claim and any intervening claims is respectfully acknowledged. Claims 6 and 9 have been amended to include all features of base claim 1. Independent claim 15 has been amended to include the organic solvent of claim 6 or claim 9, and is respectfully submitted to be allowable as well.

Claims 2, 3, 7, 8, 10 - 14, formerly depending from independent claim 1, have been amended to depend from claim 6. New claims 20-28, which are based on claims 2, 3, 7, 8, and 10 - 14, were added and depend from claim 9.

Claim 19 was withdrawn by the Examiner as directed to a non-elected invention. Please cancel claim 19, without prejudice.

35 USC §112 Rejections

Claim 18 is rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, where the Examiner has indicated that "said paint delivery installation" lacks antecedent basis. Claim 15, the parent claim of claim 18, has been amended to provide antecedent basis for the term; claim 18 has been amended to correct a grammatical error. Withdrawal of the rejection is respectfully requested.

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35 USC §102 and §103 Rejections

Claims 1, 3-5, 7, 10, 13, 15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergishagen et al. (US 5,443,748). Claim 1, 4 and 5 have been cancelled, thereby rendering moot the rejections of these claims. The remaining claims have been amended to either depend from or, with regard to claim 15 and its dependent claims, to incorporate features of allowable claims 6 or 9. Applicants respectfully submit that the rejection under 35 U.S.C. 102(b) as being anticipated by Bergishagen et al. has been obviated and should be withdrawn.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergishagen et al. (US 5,443,748). Claims 2, 11-12, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bergishagen et al (US 5,43,748) in view of Waldmann et al. (US 4,294,352). Each of claims 2, 8, 11-12, and 14 has been amended to depend from claim 6, which has been indicated to be allowable. Applicants submit that these dependent claims are patentable over Bergishagen et al. and request withdrawal of these rejections.

Independent claim 15 was amended to recite the organic solvent compositions of claim 6 and claim 9, in the alternative, for use with the claimed polymer. Applicants respectfully submit that this combination is patentable over Bergishagen et al. and request withdrawal of the rejection.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergishagen et al (US 5,43,748) in view of Waldmann et al. (US 4,294,352). These claims depend from claim 15, which has been amended to incorporate features of allowable claims 6 or 9. Applicants submit that these dependent claims are patentable over Bergishagen et al. and request withdrawal of these rejections.

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Conclusion

Applicants request reconsideration in view of the amendments and remarks contained herein. Applicants submit that the claims are in condition for allowance and a notice to that effect is respectfully requested. Should the Examiner have any questions regarding this paper, please contact the undersigned.

Respectfully submitted,

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